

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVERGREEN EAST COOPERATIVE,

Plaintiff,

v.

BOTTOMLEY EVERGREENS &
FARMS, INC., *et al.*

Defendants.

20-cv-00184-AJN

Hon. Alison J. Nathan

NOTICE OF DEFENDANTS' MOTION TO
DISMISS FIRST AMENDED COMPLAINT

PLEASE TAKE NOTICE that the undersigned attorneys for Defendants Bottomley Evergreens & Farms, Inc. ("Bottomley") and The Home Depot, Inc. ("Home Depot") (collectively, "Defendants") in the above-referenced matter, request oral argument and will move this Court, before the Honorable Alison J. Nathan, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007, on a date and time designated by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing with prejudice, in whole or in part, Plaintiff's First Amended Complaint. In support, Defendants submit their Memorandum of Law in Support of Defendants' Motion to Dismiss the First Amended Complaint, which is being filed contemporaneously.

Dated: May 15, 2020

Respectfully submitted,

CROWELL & MORING LLP

By: /s/ Sarah M. Gilbert

Sarah M. Gilbert
590 Madison Avenue
New York, New York 10022
(212) 223-4000
sgilbert@crowell.com

Of Counsel:

Kelly A. Cameron
WALL BABCOCK LLP
1076 West Fourth Street
Winston-Salem, NC 27101
(336) 714-1226
kcameron@wallbabcock.com

*Counsel for Defendants Bottomley Evergreens
& Farms, Inc. and The Home Depot, Inc.*